

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

ANDREA DeCecchis
Type or print name

Andrea DeCecchis
Signature

12/3/02
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
DAVID GEORGE LEPPARD ET AL.

Group Art Unit:

Examiner:

APPLICATION NO: 09/856,769

FILED: MAY 24, 2001

FOR: PROCESS FOR THE PREPARATION OF
ACYLPHOSPHINES, ACYL OXIDES AND
ACYL SULFIDES

Assistant Commissioner for Patents
Washington, D.C. 20231

RENEWED PETITION UNDER RULE 1.47(a)

Dear Sir:

Applicants request in a second petition that the USPTO permit acceptance of application filed by the other inventors in the above-identified patent application on behalf of an inventor that refuses to sign a declaration and power of attorney. The first petition was dismissed without prejudice on May 10, 2001. The deadline for submitting a Renewed Petition was set for July 10, 2002. This Renewed Petition is being submitted within 5 months of the due date. A petition for a five-month extension is enclosed.

The named inventors are David George Leppard, Eugen Eichenger, Rene Kaeser, Gebhard Hug, and Urs Schwendimann. All of the named inventors have signed the declaration and power of attorney, except for Rene Kaeser.

The Commissioner is authorized to charge any fee due, or credit any overcharge, as a result of this Renewed Petition to Deposit Account No. 03-1935.

The last known address of the non-signing inventor is:

Stadtgasse 2
1718 Rechthalten
Switzerland

Applicants previous petition was denied for failing to provide adequate first-hand knowledge that a bona-fide attempt had been made to supply the non-signing inventor with a complete copy of an application along with a refusal to sign an accompanying declaration.

Applicants enclose a Declaration, dated 26 November 2002 and a related letter (with translation) of November 22, 2002. Mr. Wittlin states that a copy of the application along with a preliminary amendment was provided to the inventor under cover of a registered letter dated November 22, 2002. Mr. Wittlin further states that the non-signing inventor informed Mr. Wittlin by telephone that he would not sign the supporting documentation required for the patent application. The stated reason for not signing the declaration is that the inventor was no longer an employee of the company.

Applicants submit that proof has been submitted that an inventor refuses to join in this application and has been provided with a copy of the application. The requisite facts and background are supported by an accompanying Declaration. Applicants further submit that a declaration has been submitted in response to a Notice of Missing Parts in which all of the named inventors, but for Kaeser, have signed. For these reasons, Applicants request that this petition under 37 CFR 1.47(a) be granted and the application be forwarded for prosecution on the merits.

Respectfully submitted,



David R. Crichton
Attorney for Applicants
Reg. No. 37,300

Ciba Specialty
Chemicals Corporation
540 White Plains Road
P.O. Box 2005
Tarrytown, New York 10591-9005
Tel: (914) 785-7124
Fax: (914) 785-7102
Encl.: Declaration and Letter of November 22, 2002 (with translation)

I, Hans-Peter Wittlin, Patent Administrator of Malzgasse 23, 4052 Basel, Switzerland, do hereby declare that I am conversant with the German and English languages and I further certify that to the best of my knowledge and belief the foregoing is a true and correct translation into the English language made by me of the

registered letter of 22nd November 2002 by Ciba Specialty Chemicals Holding Inc. to René Kaeser in Rechthalten re US Patent Application No. 09/856,769 – co-inventor Kaeser's signatures. The original of the Letter Receipt issued by the Swiss Post Office is herewith enclosed.

Dated this 26th day of November 2002

A handwritten signature in black ink, appearing to read 'H. Wittlin', written in a cursive style.





Hans-Peter Wittlin

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Gli uffici postali forniscono più ampie informazioni in merito.

Group Service
Law & Environment
Patents & Scientific Information

Hans-Peter Wittlin
LE 5.6/HPW - K-25.3.03
E-mail: hans-peter.wittlin@cibasc.com

Ciba



Mr René Kaeser
Stadtgasse 2
1718 Rechthalten

REGISTERED LETTER

November 22, 2002

Case A-21884/A

Entry into the national phase in the USA of International Application
No. PCT/EP 99/08968 (US Patent Application No. 09/856,769)

Dear Mr Kaeser,

Following our telephone conversation of today's date we are sending you enclosed once more a complete specification of the above patent application as on file with the US Patent Office (including the 28 claims after the so-called "preliminary amendment"). Enclosed thereto are the declaration and assignment documents which need still to be signed by you.

Today, you have once more explained that you are not willing to sign the mentioned documents, because since January 1, 1997 you are no longer employee of our company.

Ciba Specialty Chemicals Holding Inc.

signed Hans-Peter Wittlin
Patent Administrator

Encls.

Group Service
Law & Environment
Patents & Scientific Information

Hans-Peter Wittlin
LE 5.6/HPW - K-25.3.03
E-mail: hans-peter.wittlin@cibasc.com

Ciba



Mr René Kaeser
Stadtgasse 2
1718 Rechthalten

EINSCHREIBEN

22. November 2002

Case A-21884/A

**Eintritt in die nationale Phase in den USA der Internationalen Anmeldung
No. PCT/EP 99/08968 (US Patentanmeldung No. 09/856,769)**

Sehr geehrter Herr Kaeser,

Im Nachgang zum heutigen Telefongespräch senden wir Ihnen beiliegend nochmals eine komplette Beschreibung der obigen Patentanmeldung, so wie sie beim US-Patentamt eingereicht wurde (enthaltend die 28 Patentansprüche nach den sog. "vorläufigen Änderungen". Ebenfalls beigefügt sind die Dokumente "Declaration" und "Assignment" welche immer noch durch Sie zu unterzeichnen sind.

Sie haben heute erneut erklärt, dass Sie die genannten Dokumente nicht unterzeichnen wollen, da Sie seit 1. Januar 1997 nicht mehr im Dienste unserer Firma stehen.

Mit freundlichen Grüßen
Ciba Specialty Chemicals Holding Inc.

Hans-Peter Wittlin
Patent Administrator

Beilagen



CASE A-21884/A/PCT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Group Art Unit:

DAVID GEORGE LEPPARD ET AL

Examiner:

APPLICATION NO: 09/856,769

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FOR: PROCESS FOR THE PREPARATION OF

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ACYL SULFIDES

Assistant Commissioner for Patents

Washington, D.C. 20231

DECLARATION

1. I hereby make the following declaration concerning further steps the applicant has taken in order to obtain the signature of René Kaeser on the declaration and power of attorney for pending U.S. application No. 09/856,769 (Ciba Reference A-21884/A/PCT).

2. The application and declaration document was once more posted to René Kaeser's home address under cover of a registered letter of November 22, 2002, which requested that he sign and date the document and return it to us.

3. On even date (November 22, 2002) on the occasion of a telephone call informing René Kaeser of the content of this letter, René Kaeser said once more that he would not sign the document, despite the fact that Ciba employed him at the time of making the invention, and that the invention was made in the ordinary course of his employment, because since January 1st, 1997, he is no longer employee of Ciba.

4. So far, all attempts to obtain the signature of René Kaeser were fruitless and René Kaeser still refuses to sign the declaration and power of attorney document.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Signed, this 26th day of November, 2002



Hans-Peter Wittlin
Patent Administrator